

THE HONORABLE RONALD B. LEIGHTON

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

THOMAS McCARTHY, et al.,

Plaintiffs,

v.

JAMES BARRETT, et al.,

Defendants.

NO. 3:09-cv-5120 RBL

STIPULATED PROTECTIVE ORDER
FOR SPECIFIED DISCOVERY
DOCUMENTS

STIPULATION

COME NOW the parties, by and through their undersigned attorneys, and stipulate to the entry of a protective order prohibiting the disclosure of certain discovery materials outside of the context of this litigation. For the purposes of this stipulation and order, the term “discovery materials” shall mean the documents and materials identified in paragraph 1 herein, whether produced in response to requests for production, responses to interrogatories, or deposition testimony.

1. It is agreed by the parties that Documents containing information relating to the arrests of non-party third persons, which may or may not include non-conviction criminal data, as defined by and as protected by the Criminal Records Privacy Act, Chapter 10.97 RCW, are the subject of and protected by this Stipulation and Order.

2. It is stipulated that the protected discovery materials described in paragraph 1, *supra*, will only be disclosed to the parties, their attorneys, and persons assisting counsel in the preparation of this litigation, including consulting and trial experts. It is further stipulated that such documents shall be held strictly in confidence and shall not be disclosed to anyone else, by the parties or by their attorneys, and that these materials shall be used only for the purposes of the above-captioned action. It is further stipulated that before being provided access to any documents protected by this order, all persons assisting counsel in the preparation of this litigation shall be shown a copy of this Stipulation and Order and advised that they are bound by its terms.

3. It is stipulated that the discovery materials described in paragraph 1, *supra*, may be used in depositions without the necessity of sealing the documents first and may be shown to persons at deposition, provided there is a need to do so.

4. It is stipulated that, prior to any of the documents described in paragraph 1, *supra*, being filed with the court as an exhibit to a pleading, the offering party shall give the opposing party at least five (5) days notice of its intent to offer such exhibit. The parties shall then confer in good faith about the

need to redact the document or to file the document under seal. If the parties cannot agree, the opposing party shall be given a reasonable opportunity to move for an order placing such exhibit under seal.

5. It is stipulated that, upon conclusion of the above-captioned action, the discovery materials which are the subject of this Order, and any copies thereof, shall be destroyed or returned to the party that produced them.

6. The parties further agree that nothing contained in this Stipulation and Order affects in any way or to any degree the admissibility of any discovery material or any information disclosed under the terms of this Stipulation and Order. The admissibility of such material and information shall be governed by the Federal Rules of Evidence and the Federal Rules of Civil Procedure in the same manner as any other potential evidence in this case.

7. Nothing in this Stipulation and Order shall infringe upon the right of any party to object to providing information which is subject to the attorney-client privilege, or which is non-discoverable on any other legitimate ground.

DATED this 15th day of October, 2010.

ELIZABETH A. PAULI, City Attorney

By: /s/_____
JEAN P. HOMAN
WSBA #27084
Attorney for Defendants

By: /s/_____
Nathan Alexander, WSBA #37040
Dorsey & Whitney LLP

and

STOKES LAWRENCE, P.S.
Scott Johnson, WSBA #15543
Theresa Wang, WSBA #39784

and

ACLU OF WASHINGTON FOUNDATION
M. Rose Spidell, WSBA #36038

Attorneys for Plaintiffs

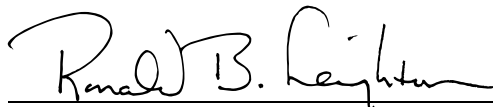
ORDER

Based upon the above stipulation,

IT IS HEREBY ORDERED that the discovery materials described in the above Stipulation shall not be disclosed to anyone other than the parties, their attorneys or persons assisting counsel in the preparation of this litigation; and it is further

ORDERED that the discovery materials described in the above Stipulation shall be treated in accordance with the terms of the Stipulation.

DATED this 19th day of October, 2010.

A handwritten signature in black ink, reading "Ronald B. Leighton", written over a horizontal line.

RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

ELIZABETH A. PAULI, City Attorney

By: /s/_____
JEAN P. HOMAN
WSB #27084
Assistant City Attorney
Of Attorneys for Defendants

Approved as to Form:

By: /s/_____
Nathan Alexander, WSBA #37040
Dorsey & Whitney LLP

and

STOKES LAWRENCE, P.S.
Scott Johnson, WSBA #15543
Theresa Wang, WSBA #39784

and

ACLU OF WASHINGTON FOUNDATION
M. Rose Spidell, WSBA #36038

Attorneys for Plaintiffs